IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1805 OF 2006

In

APPEAL NO.917 OF 1997

In

NOTICE OF MOTION NO.1608 OF 1995

In

SUIT NO.2137 OF 1995

Pala Devchand Odhavji : Appellant
(Orig.Deft.)

V/s.

Vinodkumar Ramnivas Saboo & Anr. : Respondent
(Orig.Plaintiff)

...

Ms Rohini Dandekar i/b. M/s.Berarwalla & Co., for the appellant.

Mr.Girish Desai i/b. M/s.Vinod Mistry & Co., for respondent nos.1 & 2.

...

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : NOVEMBER 30, 2006.

P.C.

1. We heard Ms Rohini Dandekar, the counsel for the applicant/appellant and Mr.Girish Desai, the counsel for

the respondent nos.1 & 2.

2. For the reasons stated in the affidavit-in-support of the notice of Motion, we are satisfied that good cause has been shown by the appellant for non-appearance of his Advocate on 27.3.2006 when the appeal was called out for hearing.

3. We, accordingly, recall the order dated 27.3.2006 and restore the appeal to file.

4. As the appeal is of the year 1997, we direct the office to post the appeal for final hearing in the week commencing from 4.12.2006.

5. Notice of Motion stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.